

REMARKS

Independent claims 1, 19, 31, 42, 49, 51, 53, 55, 62, 64, and 66 (all independent claims pending in the application) have been amended in accordance with the telephonic voice mail exchange which the Examiner which took place on August 16, 2005. Specifically, the claims now specify that the automatic procedure for determining the configuration of components based on, for example, comparisons of desired performance to predicted performance, is performed automatically by computer control. This is discussed throughout the specification and particularly on pages 29, 30 and 39. Further, an exemplary iterative process is shown in Figure 13. Claims 1 and 19 specify that the comparing step is performed under computer control, and that specifying components and locations is performed automatically by computer control. Claim 31 requires that specifying the configuration is performed automatically under computer control. Claims 42, 49, 51, and 53 requires that the device for determining one or more optimized or preferred configurations operates under computer control, and the device for changing works in an iterative automated fashion by computer control. Similarly, method claims 55, 62, 64, and 66 require that the step of determining one or more optimized or preferred configurations and the step of changing automatically are performed under computer control.

As was acknowledged by the Examiner in the office action (see page 15) and by telephonic voice mail exchanges on August 16, 2005, the SMT Plus 1.0 User's Manual", and none of the other references or record, does not show or suggest a computerized mechanism for iterating through a plurality of possible configurations to determine one or more optimized or preferred configurations of a communications network. In view of the amendments above, none of the claims are anticipated by SMT Plus 1.0 User's Manual, and would not obvious over any references or combinations of references of record.

In view of the above amendments and remarks, claims 1, 3, 4, 6-11, 19, 21, 22, 24-31, 33-38, 40-46, 48, 49, 51, 53, 55-59, 62, 64, and 66, are now in immediate condition for allowance.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local

telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

A provisional petition is hereby made for any extension of time necessary for the continued pendency during the life of this application. Please charge any fees for such provisional petition and any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-2041 (Whitham, Curtis & Christofferson, P.C.)

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Michael E. Whitham', is written over the typed name.

Michael E. Whitham

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